

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 15, 2007. Claims 1 to 3 and 26 to 27 are in the application, with Claims 8 to 13 and 25 having been canceled herein and new Claims 26 and 27 having been added. Claims 1, 26 and 27 are independent. Reconsideration and further examination are respectfully requested.

Claims 1, 3, 8 to 13 and 25 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2005/0015815 (Shoff) in view of U.S. Patent No. 7,051,351 (Goldman), and Claim 2 was rejected under § 103(a) over Shoff in view of Goldman and further in view of WO 00/01154 (Rajan). Without conceding the correctness of the rejections, independent Claims 8 to 10 directed to the terminal, and independent Claims 11 to 13 directed to the content management server, have been cancelled herein, although their respective features have been retained within system Claim 1. Additionally, independent Claims 26 and 27 have been added to be more specifically directed to the commercial server of Claim 1, and is respectfully submitted that Claims 1, 26 and 27 are allowable over the applied art for at least the following reasons.

With reference to Claim 26, the invention claimed therein relates to a commercial server which can communicate with a plurality of content management servers. Each of the content management servers store second programs and provides a second program and commercial content to a terminal which requests the second program. The terminal is provided on an audience side and displays a first program received from a digital broadcast station. Referring back to the commercial server, it provides the

commercial content to a content management server in response to a request from the content management server. In providing the commercial content, the commercial server has a commercial content database that holds commercial contents, and a condition information database that holds information indicating whether or not a sponsor of the first program allows to provide a commercial of another business type. When the commercial server receives, from a content management server, the request for commercial content and information specifying the sponsor of the first program, the commercial server searches, from the commercial database, for a corresponding commercial content among commercial contents that includes commercial content of another business type, but excludes commercial content of the same business type of the sponsor of the first program if, by referring to the condition information database, the sponsor of the first program allows to provide a commercial content of another business type. The commercial server then notifies the searched commercial content to the content management server that submitted the request. Thus, if the sponsor of the first program being viewed by a user of the terminal allows commercials of other business types, then commercials of the same business type as that of the sponsor are excluded from being included in the commercial content that is incorporated into the second program requested by the terminal.

The applied art, alone or in any permissible combination, is not seen to teach the features of Claims 1, 26 and 27, and in particular, is not seen disclose or to suggest at least the features of a commercial server which holds, in a condition information database, information indicating whether or not a sponsor of a first program allows to provide a commercial of another business type, and after receiving a request for

commercial content from a content management server and information specifying the sponsor of the first program, and searching, from the commercial database, for a corresponding commercial content among commercial contents including commercial content of another business type and excluding commercial content of the same business type of the sponsor of the first program if the sponsor of the first program allows to provide a commercial content of another business type by referring to the condition information database, and notifying the commercial content to the content management server.

Shoff is seen to disclose an interactive entertainment system which displays a video stream, digital data associated with the video stream, and supplemental content of the digital data. Shoff also teaches to dynamically control the supplemental content. However, Shoff is not seen to teach the commercial server functioning as claimed in Claims 1, 26 and 27.

Goldman is not seen to add anything to overcome the deficiencies of Shoff. In this regard, Goldman is merely seen to teach inserting of advertising according to a displayed document. The advertising is selected, at least in part, based on television programming being viewed. Thus, while the advertising content may relate to the program Applicant fails to see anything in Goldman in which the selected advertising is based on information held in a condition information database as to whether or not a sponsor of a first program allows commercial contents of another business type. Thus, the proposed combination of Goldman and Shoff is not seen to teach the commercial server as claimed.

In view of the foregoing amendments and remarks, Claims 1 to 3, 26 and 27 are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward Kmett/

Edward A. Kmett
Attorney for Applicant
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 1737811v1